



McGowan file

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RIGHTS

DEE C. HANSEN
STATE ENGINEER

JOHN BENE
DEPUTY

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SALT LAKE CITY, UTAH 84114
(801) 328-6071

DIRECTING ENGINEERS
HAROLD D. DONALDSON
DONALD C. NORSETH
EARL M. STAKER

November 2, 1977

Allen H. Tibbals
Tibbals and Staten
Attorneys at Law
220 South 200 East
Salt Lake City, Utah 84111

Re: Application No. 24394 (71-2411)

Dear Allen:

This office is in receipt of an application to deepen and replace the existing well which was apparently drilled in connection with the above-numbered Application. Since this office rejected an Election which has been filed on this Application and lapsed the filing, and since you have now initiated a Court review of that decision, it seems inappropriate for this office to take any action with regard to Mr. Pearson's application to replace the existing well.

This is so for a couple of reasons. First, since an appeal has been taken, some question exists as to whether this office retains sufficient jurisdiction to take any further action with respect to said Application. And secondly, it would seem that if an approval were issued to Mr. Pearson's request it would—in effect—be an admission that the prior decision may have been wrong in lapsing the Application.

I am sure you can appreciate that we do not want to take any action at this time to weaken our prior decision. I understand that you have discussed this matter with Dallin Jensen, and that you are willing to acquiesce in my withholding any action on Mr. Pearson's request subject to the outcome of the pending litigation.

If you would like to discuss this matter further, please give me a call and we can arrange a meeting.

Sincerely,

DEE C. HANSEN
State Engineer

cc: Donald C. Norseth

THE STATE OF UTAH
OFFICE OF STATE ENGINEER
SALT LAKE CITY

RECEIVED

OCT 19 1977

WATER RIGHTS

Form 112

APPLICATION TO REPAIR, CLEAN, DEEPEN OR REPLACE AN EXISTING WELL

CLAIM NO. _____

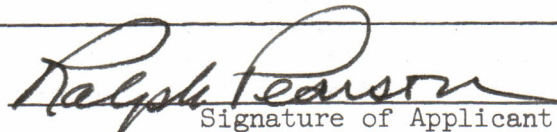
RE:

APP. NO. 24394 (71-2411)

Minersville, Utah, 10-19, 19 77
(City) (State) (Date)

Application is hereby made to the State Engineer to repair, clean, deepen or replace an existing well, based upon the following showing of facts:

1. Name of applicant is Ralph Pearson
2. Post-office address of applicant is P.O. Box 18, Minersville, UT
3. Number of claim or application filed with the State Engineer covering the well which applicant proposes to ~~repair, clean, deepen, or replace~~ is ~~Claim~~ or Application No. 24394 (71-2411) (Strike words not needed)
4. The existing well leaks around the outside of the casing; leaks on the inside of the casing, requires cleaning, or deepening, or both; requires replacement by a new well. If replaced by a new well, its location will be _____ feet north, south, and _____ feet east, west, from the existing well.
(Strike words not needed)
5. The replacement well is to be 16 inches in diameter, between 600-700 feet deep.
6. The name of the well driller who applicant proposes to do the work is: Bradshaw Drilling Co.. It is proposed to begin the work _____, 1977 after approval of application
7. Applicant hereby agrees, in case this application is approved, to abide by the rules and regulations promulgated by the State Engineer, set out on the reverse side hereof, for the repairing, cleaning, deepening, or replacing of existing wells. Applicant further agrees to and hereby authorizes the State Engineer to endorse his original claim or application to show any replacement resulting from this application.
8. Remarks: It is proposed to deepen an existing well to a
depth of 600-700 and to seal off the present source of water at about 200-212 feet
because of a high salt content.


Signature of Applicant

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STATE ENGINEER'S ENDORSEMENT
(Not to be filled in by applicant)

1. Oct. 19, 1977 Application received over counter in State Engineer's office by als
by mail
2. _____ Application examined by _____. Recommendations: _____
3. _____ Field examination by _____. Recommendations: _____
4. _____ Application Approved subject to following conditions: _____
rejected

STATE ENGINEER,
By _____

RULES AND REGULATIONS

FOR REPAIRING, CLEANING, DEEPENING, OR REPLACING EXISTING WELLS

A well driller with a permit is authorized to repair, clean, deepen, or replace an existing well on which there is an underground water claim or an approved application to appropriate; only, however, when the owner thereof has received written approval of the State Engineer to do such work. (Underground water claims are made for wells drilled prior to March 22, 1935, and applications for wells drilled subsequent to that date.)

REPAIRING:

Repairing a well means the renewal or reconstruction of the existing casing or the installation of new casing within or without the existing casing, or the repairing or replacing of pumping equipment, where such is done for the purpose of recovering or controlling the normal flow or discharge of the well.

CLEANING:

Cleaning a well means the act of removing rust, algae, sand, gravel, or any other obstruction whatsoever from the inside of an existing well, or from the casing thereof, for the purpose of recovering the normal discharge or flow. If, by reason of such cleaning, the flow or discharge is increased in excess of the existing right attached to said well, an application to appropriate the excess water will be required from the well owner (Section 73-3-1, Utah Code Annotated, 1953.)

DEEPENING:

Deepening a well means the act of digging, drilling, or casing an existing well to an increased depth for the purpose of again securing the normal supply of water. If, as a result of such work, whether from structural alterations or otherwise, the discharge or flow of the well is increased to a rate in excess of the existing right attached to said well, an application to appropriate will be required to cover the excess above normal (Section 73-3-1, Utah Code Annotated, 1953).

REPLACING:

An existing well may be replaced with a replacement well within a radius of 150 feet from the existing well without the filing of a change application under Section 73-3-3, upon approval first having been obtained from the State Engineer.

Such request for permission to drill a replacement well shall be filed with the State Engineer upon a blank to be furnished by the State Engineer.****
**** No filing fee shall be required for the filing of such a request for permission to drill a replacement well and the State Engineer need give only such notice as, in his judgment, is necessary to protect existing rights and in the event the State Engineer shall determine that it is necessary to publish notice the advertising fee shall be paid in advance by the applicant.

The term "replacement well" as used herein means a new well drilled for the sole purpose of replacing an existing well which is impaired or made useless by structural difficulties and no new right in the use of water accrues. Upon completion of the new well the old well must be sealed by the applicant in a manner satisfactory to the State Engineer (Section 73-3-28. Utah Code Annotated, 1953).

SEALING:

Permanently sealing a well for the use of these Rules and Regulation means the act of completely filling in said well from the bottom to the top in such a manner and with such materials necessary to prevent the flow of water from within or from without the well casing.

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